



**CITY OF MANCHESTER, NH  
ZONING BOARD OF ADJUSTMENT  
ONE CITY HALL PLAZA  
MANCHESTER, NH 03101-2097  
TEL: (603) 624-6475  
FAX: (603) 624-6324**

[www.ManchesterNH.gov](http://www.ManchesterNH.gov)  
e-mail: [building@ci.Manchester.NH.us](mailto:building@ci.Manchester.NH.us)

**EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**  
**QUESTIONNAIRE**

Complete this questionnaire and attach any supplemental material that would support your appeal.

Property location: \_\_\_\_\_

Owner's Names: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

The applicant hereby requests an equitable waiver from the terms of Article or Section of the Manchester, NH Zoning Ordinance:

and asks that said terms be waived to permit the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The applicant alleges that the following legal criteria for granting an equitable waiver are satisfied. The application shall include the submission of statements in writing together with records, photographs and such other material as are necessary to justify the granting of the equitable waiver.

Applicant may choose the option of completing Part I or Part II as applicable.

**Part I**

A. The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official until after a structure in violation had been substantially completed or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation or bad faith on the part of any owner, owner's agent or representative but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:

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C. The physical or dimensional violation does not constitute a public or private nuisance nor diminish the value of other property in the area nor interfere with or adversely affect any present or permissible future uses of any such property:

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D. Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained that it would be inequitable to require the violation to be corrected:

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<b>Part II</b>
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In lieu of the findings required by the Board under items (A) and (B), the owner may demonstrate to the satisfaction of the Board that the violation has existed for 10 years or more by completing Sections C, D and E.

E. Date violation occurred and number of years which the condition has existed (ten years or greater): \_\_\_\_\_

Statement and evidence that no enforcement action has been commenced against the violation during that time by the city or any person directly effected. \_\_\_\_\_

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_